

Senator Simpson was recommitted to Judiciary Committee No. 1.

On motion of Senator Agnew, the Senate adjourned to tomorrow at 10 a. m.

TWENTIETH DAY.

Senate Chamber.

Austin, Texas, January 30, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Bowser.	McKinney.
Colquitt.	Fresler.
Crowley.	Sherrill.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Greer.	Woods.
Harrison.	

Absent—excused.

Atlee.	L Rogers.
Boren.	Shelburne.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator McKinney, the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Harrison:

A memorial from the teachers of Bell county, asking that no part of the public free school funds be used in sectarian schools and in purchasing unnecessary supplies, and that the text book matter remain as it now stands.

Read and referred to Committee on Education.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 108, being a bill to be entitled "An act to amend article 1192 of the Revised Civil Statutes of Texas, as amended by chapter 11 of the acts of the Twenty-first Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 1, being a bill to be en-

titled "An act relating to suits for libel, and to better define a mode of procedure in suits for damages thereunder,"

Have had the same under consideration, and I am instructed by a majority of the committee to report the same back to the Senate with the recommendation that it do pass, with the accompanying amendments.

SMITH, Chairman.

COMMITTEE AMENDMENTS.

First.—Amend by striking out section 5.

Second.—Amend section 1 by striking out in line 5, section 1, the words "and did not involve a criminal charge."

Third.—Amend by adding the word "reputation" in section 5, line 4, after the word "profession."

Fourth.—Amend by striking out section 6.

Fifth.—Amend by striking out the word "some" in line 12 of section 3, and insert the word "equivalent."

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 2, being a bill to be entitled "An act providing for a discovery of the assets of a judgment debtor and the enforcement of such judgment,"

Have had the same under consideration, and I am instructed by a majority of the committee to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 48, being a bill to be entitled "An act to amend article 191 of chapter 2, title 10, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 29, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Public Health, to whom was referred

Senate bill No. 72, being a bill to be entitled "An act to prohibit the sale, barter or gift of tobacco in any of its forms, to persons under the age of sixteen years, and to prescribe a penalty for a violation of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DIBRELL, Chairman.

Committee Room,
Austin, Texas, Jan. 29, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 20, a bill to be entitled "An act to create a more efficient road system for Fannin county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon the public roads of said county and providing for officers' fees, and rewards for the capture of escaped convicts and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend caption by inserting after the word "Fannin" "and Ellis," and by striking out the word "county" and inserting the word "counties"

Also amend section 1 by adding the word "Ellis" after "Fannin."

STEELE, Chairman.

Committee Room,
Austin, Texas, Jan. 29, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Public Health, to whom was referred

Senate bill No. 81, being a bill to be entitled "An act to regulate the practice of medicine and to prescribe the qualifications of physicians and surgeons, and to repeal title 73 of the Revised Civil Statutes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section 2 strike out all after "of," in line 3, all of lines 4 and 5, and all of line 6, down to and including the word "office," and insert in place thereof the following: "The State Superintendent of Public Instruction, the president of the board of regents of the State University, the presidents of the different State medical associations of the State."

Also, in section 5, line 6, strike out the words "school of medicine to which it belongs," and insert in place thereof the following words: "The national association of medicine of the school to which it belongs." DIBRELL, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 82, being "An act to amend section 7, chapter 100, of an act to promote the development of the mining resources of Texas, approved March 29, 1889,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Jan. 29, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 45, being "An act to amend article 3183, chapter 4, title 61, of the Revised Civil Statutes, relating to liens,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 56, being "An act to amend article 503, of chapter 3, title 15, of the Penal Code of the State of Texas."

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 42, being "An act to amend article 683b of the Penal Code of the State of Texas, as enacted by the Legislature of said State, by an act entitled 'An act to amend article 683, chapter 3, title 17, of the Penal Code of the State of Texas, relating to malicious mischief, and providing a penalty therefor by adding thereto article 683b,' approved March 22, 1889, and amendment of said recited act, and to define and punish the offense of wilfully or maliciously throwing missiles or firing guns or other firearms at or into moving trains on railroads in this State, and to repeal article 683b of said recited act, and all other laws in conflict with this act,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 24, being "An act to amend section 12, of an act entitled 'An act to provide for the more efficient government and maintenance of the house

of correction and reformatory at Gatesville,' approved April 2, 1889,"

And find the same correctly engrossed.
BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 35, being "An act to authorize the La Porte, Houston and Northern Railway Company to purchase and acquire and consolidate with it all the property rights and franchises of the North Galveston, Houston and Kansas City Railroad Company, and the Houston Belt and Magnolia Park Railway Company, and to change its corporate name,"

And find the same correctly enrolled, and have this day, at 10:30 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,
Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 34, being "An act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law,"

And find the same correctly enrolled, and have this day, at 10:30 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following resolution, to-wit:

Whereas, Professor H. A. McArdle has completed his wonderful painting of the Battle of San Jacinto; and

Whereas, The labor of this great artist, in preserving on canvas the most important event in Texas history, calls for the admiration of a patriotic people; therefore, be it

Resolved, That the members of the House of Representatives cordially invite Professor McArdle to exhibit his battle picture in the hall of the House of Representatives on Thursday night, the 31st of January, at 8 o'clock p. m., and that the Senate of the State of Texas be notified of the passage of this resolution, and the

members of that body be invited to view the painting at that time.

Respectfully,
CHESTER HAILE, Chief Clerk.

BILLS AND RESOLUTIONS.

By Senator Lawhon:

A bill to be entitled "An act to amend article 4247 of the Revised Civil Statutes of Texas, relating to consolidation of railroad companies."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dickson:

A bill to be entitled "An act to require hotels and boarding houses to provide means of escape from buildings in case of accident by fire."

Read first time and referred to Committee on State Affairs.

By Senator Crowley:

A bill to be entitled "An act to amend an act entitled 'An act to make it penal to prevent or attempt to prevent any person from engaging or remaining in or performing the duties of any lawful employment, and to fix a penalty therefor,' approved March 8, 1887."

Read first time and referred to Committee on Labor.

By Senator Bowser:

A bill to be entitled "An act to regulate the practice of dentistry in the State of Texas, and to prescribe penalties for the same, and to repeal all laws in conflict herewith."

Read first time and referred to Committee on Public Health.

By Senator Beall:

A bill to be entitled "An act to amend articles 735 and 736 of the Penal Code of the State of Texas, relating to the punishment for theft."

Read first time and referred to Judiciary Committee No. 2.

By Senator Bailey:

A bill to be entitled "An act compelling all hotel keepers and proprietors of tenement houses in all cities in the State of Texas of 5000 inhabitants and over to put in place and keep in repair a rope ladder for the escape of lodgers therein in case of fire."

Read first time and referred to Committee on State Affairs.

By Senator Beall:

A bill to be entitled "An act entitled an act to amend article 4860, title 99, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Lewis:

A bill to be entitled "An act to amend article 1011b of the Revised Civil Statutes of Texas, as amended by an act to amend articles numbers 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060 of the Revised Civil Statutes of Texas, and to add articles 1011a, 1011b, 1011c, 1011d, 1011e, and

to repeal articles numbers 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1048 of the same title of the Revised Civil Statutes of Texas, and to provide for the transfer of cases pending in the Supreme Court to the Court of Civil Appeals," passed at the special session of the Twenty-second Legislature, approved April 13, 1892, relating to writs of error from the Supreme Court to the Courts of Civil Appeals."

Read first time and referred to Judiciary Committee No. 1.

By Senator Gage (by request):

A bill to be entitled "An act for the protection of land owners from squatters or persons seeking to acquire titles to lands without compensation for same."

Read first time and referred to Committee on Public Lands.

By Senator Bailey:

A bill to be entitled "An act to regulate the bringing of suits against purchasers and lessees of public lands."

Read first time and referred to Committee on Education.

By Senator Bailey:

A bill to be entitled "An act to provide for rescinding contracts between the State of Texas and private individuals of sales of land."

Read first time and referred to Committee on Education.

By Senator Lewis:

A bill to be entitled "An act to amend article 1011a of the Revised Civil Statutes of Texas, as amended by an act entitled 'An act to amend articles Nos. 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060, of the Revised Civil Statutes of Texas, and to add articles Nos. 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1048, of the same title of the Revised Civil Statutes of the State of Texas, and to provide for the transfer of cases pending in the Supreme Court to the Court of Civil Appeals,' passed by the special session of the Twenty-second Legislature, approved April 13, 1892, relating to writs of error from the Supreme Court to the Courts of Civil Appeals."

Read first time and referred to Judiciary Committee No. 1.

By Senator Greer:

A bill to be entitled "An act to amend section 17 of an act entitled 'An act to organize the Courts of Civil Appeals; to define their jurisdiction and powers, and to prescribe the mode of procedure therein,' approved April 17, 1892, and to provide a library fund for said courts."

Read first time and referred to Judiciary Committee No. 1.

By Senator Woods:

A bill to be entitled "An act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, as amended by the Twenty-first Legislature by an act entitled 'An act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas,' passed by the Twentieth Legislature and approved Feb-

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ruary 24, 1887, approved January 30, 1889, to abolish imprisonment as a part of the punishment."

Read first time and referred to Judiciary Committee No. 2.

By Senator McComb:

A bill to be entitled "An act to amend chapter 4, title 93, of the Revised Civil Statutes of Texas, providing a mode by which certain animals may be prevented from running at large in any county or sub-division, by adding to and inserting in said chapter, after article 4603, article 4603a, providing that any freeholder owning enclosed land or premises lying adjacent to the boundary line of any sub-division in which the provisions of said chapter have become operative in manner herein provided, may by application to the commissioners court of the county of which said sub-division is a part, have such land or premises included in and made a part of such sub-division and placed within the operation of the provisions of said chapter, so as to obtain and secure all the benefits thereof."

Read first time and referred to Committee on Agriculture.

By Senator Gage (by request):

A bill to be entitled "An act to amend article 314, chapter 3, title 9, of the Penal Code of the State of Texas, relating to disturbance of the peace."

Read first time and referred to Judiciary Committee No. 2.

By Senator Gage:

A bill to be entitled "An act to amend article 4360a of the Revised Civil Statutes of the State of Texas, relating to the opening of first class roads."

Read first time and referred to Committee on Roads and Bridges.

By Senator Dean:

A bill to be entitled "An act to provide manner whereby certificate of shares in railroad corporations may be subdivided."

Read first time and referred to Committee on Internal Improvements.

The Chair gave notice of signing and did sign, after the captions of same had been read, the following bills:

Senate bill No. 34, being a bill to be entitled "An act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since said 1st day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law."

Senate bill No. 35, being a bill entitled "An act to authorize the La Porte, Houston and Northern Railroad Company to purchase and acquire and consolidate with it all the property, rights and franchises of the North Galveston, Houston and Kansas City Railroad Company, and the Houston Belt and Magnolia Park Railway Company, and to change its corporate name."

Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 16, being a bill to be entitled "An act to set aside all tax sales of land heretofore made to the State, and to cities and towns, and to provide for the collection of all taxes heretofore accrued since January 1, 1877, or that may hereafter accrue, whether the same be due the State, county or the cities and towns."

With committee amendment, question being on engrossment.

Committee amendment read.

On motion of Senator Colquitt, the bill was recommitted.

On motion of Senator Bowser,

Senate bill No. 15, being a bill to be entitled "An act to provide for the creation of life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith,"

Was made special order for next Monday, February 4, after call.

(President Pro Tem. Lewis in the chair).

The Chair laid before the Senate special order, Substitute Senate bill No. 7, a bill to be entitled "An act to amend section 9 of chapter 122 of the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, and approved May 20, 1893."

Question being on the motion of Senator Agnew, to substitute the minority for the majority committee report.

The minority report was adopted by the following vote:

Yeas—19.

Agnew.	Lewis.
Bailey.	McKinney.
Bowser.	Presler.
Colquitt.	Sherrill.
Crowley.	Simpson.
Dibrell.	Smith.
Dickson.	Steele.
Gage.	Whitaker.
Greer.	Woods.
Lawhon.	

Nays—7.

Beall.	Harrison.
Darwin.	McComb.
Dean.	Tips.
Goss.	

Absent, excused.

Atlee.	Shellburne.
Boren.	Stafford.
Rogers.	

The Chair laid before the Senate, joint resolution No. 1, being "a joint resolution, requesting the Senate of the United States to pass a bankruptcy bill."

The resolution was read and adopted by the following vote:

Yeas—14.

Bailey.	McComb.
Bowser.	Presler.
Dibrell.	Sherrill.
Gage.	Smith.
Greer.	Tips.
Lawhon.	Whitaker.
Lewis.	Woods.

Nays—12.

Agnew.	Dickson.
Beall.	Goss.
Colquitt.	Harrison.
Crowley.	McKinney.
Darwin.	Simpson.
Dean.	Steele.

Absent, excused.

Atlee.	Shellburne.
Boren.	Stafford.
Rogers.	

Senator Whitaker called up

Senate bill No. 30, being a bill to be entitled "An act to establish a court at Texarkana, in Bowie county, to be stiled Texarkana Civil and Criminal Court, and to prescribe the jurisdiction and organization thereof, and to conform the jurisdiction of other courts thereto,"

And moved that same be made special order for Thursday after call.

Carried.

The Chair laid before the Senate

Senate bill No. 91, being a bill to be entitled "An act to amend article 7, section 75, chapter 122, of the general laws of the State of Texas, being 'An act to provide for a more efficient system of public schools for the State of Texas,' etc., approved May 20, 1893,"

On motion of Senator Presler, the bill was recommitted to Committee on Education.

BILLS ON THIRD READING.

The Chair laid before the Senate

Senate bill No. 24, being a bill to be entitled "An act to amend section 12, of an act entitled 'An act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville,' approved April 2, 1889,"

On third reading and final passage.

Bill read third time and passed.

The Chair laid before the Senate,

Senate bill No. 42, being a bill to be entitled "An act to amend article 683b of the Penal Code of the State of Texas and to add to said Code article 683c as enacted by the Legislature of said State by act entitled 'An act to amend article 683, chapter 3, title 17, of the Penal Code of the State of Texas, relating to malicious mischief and providing a penalty therefor by adding thereto article 682b,' approved March 22, 1889, and amendatory of said recited act, and to define and punish the offense of wilfully and maliciously throwing missiles or firing guns or other firearms at or into moving trains on railroads in this State, and to repeal article 683b of said above recited act and all other laws in conflict with this act,"

On third reading and final passage.

Bill read third time.

By Senator Simpson:

Amend caption by striking out of caption the words, "and to repeal article 683 of said recited act."

Adopted by the following vote:

Yeas—23.

Agnew.	Harrison.
Bailey.	Lawhon.
Beall.	Lewis.
Bowser.	McComb.
Colquitt.	Sherrill.
Crowley.	Simpson.
Darwin.	Smith.
Dean.	Steele.
Dibrell.	Tips.
Dickson.	Whitaker.
Gage.	Woods.
Greer.	

Absent, excused.

Atlee.	Shelburne.
Boren.	Stafford.
Rogers.	

Absent, not excused.

Goss.	Presler.
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McKinney.

By Senator Smith:

Amend by striking out section 3.

Adopted by the following vote:

Yeas—24.

Agnew.	Harrison.
Bailey.	Lawhon.
Beall.	Lewis.
Bowser.	McComb.
Colquitt.	Presler.
Crowley.	Sherrill.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Whitaker.
Greer.	Woods.

Nays—none.

Absent, excused.

Atlee.	Shelburne.
Boren.	Stafford.
Rogers.	

Absent, not excused.

Goss.	McKinney.
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Bill was then passed.

The Chair announced that the hour had arrived for the Senate to go into executive session on the Governor's appointments, and the Senate accordingly went into executive session.

IN EXECUTIVE SESSION

The following confirmations were had:

Managers of the Southwestern Lunatic Asylum at San Antonio: Dr. Amos Graves, A. E. Devine, T. D. Cobbs, L. P. Peck, B. F. McNulty, all of Bexar county.

On Board of Pardons: W. C. Denson, W. B. Dunham, both of Travis county.

AFTER EXECUTIVE SESSION.

On motion of Senator Whitaker, Senate adjourned till tomorrow morning at 10 o'clock.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas, January 31, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Agnew.	Harrison.
Beall.	Lawhon.
Bowser.	McKinney.
Colquitt.	Presler.
Darwin.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith.
Gage.	Steele.
Goss.	Whitaker.
Greer.	Woods.

Absent, excused.

Atlee.	Shelburne.
Rogers.	Stafford.

Absent, not excused.

Bailey.	Lewis.
Boren.	McComb.
Crowley.	Tips.
Dean.	

Senator Whitaker moved a call of the Senate, which was duly seconded and prevailed.

The Secretary called the roll, the following Senators answering to their names:

Agnew.	Harrison.
Bailey.	Lawhon.
Beall.	Lewis.
Boren.	McComb.
Bowser.	McKinney.
Colquitt.	Presler.
Crowley.	Sherrill.
Darwin.	Simpson.
Dean.	Steele.
Dibrell.	Smith.
Dickson.	Tips.
Gage.	Woods.
Goss.	Whitaker.
Greer.	

Absent, excused.

Atlee.	Shelburne.
Rogers.	Stafford.

The Chair announced a quorum present. Prayer by the Chaplain, Dr. Smoot. Pending the reading of the Journal of yesterday,

Senator Woods moved to suspend the reading of same.

Lost.

The Secretary proceeded to read the Journal.

On motion of Senator Steele, the reading was suspended.

On motion of Senator Lawhon, Senator McComb was added to the Committee on Counties and County Boundaries.

On motion of Senator Colquitt, Assistant Sergeant-at-Arms, Pace, was excused for non-attendance on today.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 30, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 49, being a bill to be entitled "An act to give jurisdiction to the several Courts of Civil Appeals over cases transferred from one of such courts to another under the direction of the Supreme Court, and providing for the transfer of such cases,"